

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE)	Chapter 7
)	
MICHAEL S. HELMSTETTER,)	Case No. 19 – 28687
)	
Debtor.)	Hon. Jacqueline P. Cox
)	
)	Hearing Date and Time:
)	March 3, 2020 at 9:30 am

NOTICE OF MOTION

TO: Attached Service List

PLEASE TAKE NOTICE THAT on March 3, 2020, at 9:30 a.m., I shall appear before the Honorable Judge Jacqueline P. Cox, or any other judge sitting in her stead, Room 680, 219 South Dearborn Street, Chicago, Illinois, and request a hearing on the Chapter 7 Trustee's Application to Employ Accountants, a copy of which is attached hereto and thereby served upon you.

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, hereby state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants and, as to all other persons on the attached Service List by mailing a copy of same in an envelope properly addressed and with postage fully prepaid and by depositing same in the U.S. Mail, Chicago, Illinois on the 20th day of February, 2020.

/s/ Gregory K. Stern

Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID #6216626)
Dennis E. Quaid (Atty. ID #02267012)
Rachel S. Sandler (Atty. ID #6310248)
53 West Jackson Boulevard
Suite 1442
Chicago, Illinois 60604
(312) 427-1558

SERVICE LIST

Registrants Served Through The Court's Electronic Notice For Registrants

Patrick S. Layng, Office of the U.S. Trustee, Region 11
219 South Dearborn Street, Room 873
Chicago, Illinois 60604

David R. Herzog
Herzog & Schwartz PC
77 West Washington, Suite 1400
Chicago, Illinois 60602

J Kevin Benjamin
Benjamin & Brand
1016 West Jackson Boulevard
Chicago, Illinois 60607-2914

Debra Devassy Babu
Askounis & Darcy, PC
444 North Michigan Avenue, Suite 3270
Chicago, Illinois 60611

Jamie L Burns
Levenfeld Pearlstein, LLC
2 North LaSalle Street, Suite 1300
Chicago, Illinois 60602

Whitman H. Brisky
Mauck & Baker LLC
1 North LaSalle Street, Suite 600
Chicago, Illinois 60602

Christopher R. Schmidgall
Six West 73rd Avenue
Merrillville, Indiana 46410

Parties Served Via U.S. Mail

Michael S. Helmstetter
PO Box 11703
Chicago, Illinois 60611-0703

Kutchins, Robbins & Diamond, Ltd.
Attn: Lois West
1101 Perimeter Drive
Schaumburg, Illinois 60173

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APPLICATION TO EMPLOY ACCOUNTANTS

Now comes the Chapter 7 Trustee, David R. Herzog, (“Trustee”), by and through his Attorneys, Gregory K. Stern, Monica C. O'Brien and Rachel S. Sandler, and in support of his Application to Employ Kutchins, Robbins & Diamond, Ltd., and Lois West as Accountants, states as follows:

1. On October 9, 2019, Michael S. Helmstetter (the “Debtor”) caused a Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code to be filed; and David R. Herzog (the “Trustee”) was appointed as trustee in this case.

2. The Debtor’s Chapter 7 Schedules reflect extensive assets and business interests, including but not limited to bank accounts, equity interests in automobile dealerships, reinsurance companies and other entities, tax refunds and causes of action having a scheduled value of \$8,414,579.67.

3. The Debtor’s Chapter 7 Schedules reflect priority unsecured debt of \$888,338.81 and non-priority unsecured debt of \$5,607,106.87.

4. The Trustee believes that there are assets, including but not limited to equity interests, tax refunds and avoidance actions, to be investigated and administered.

5. The Trustee desires to employ the accounting firm of Kutchins, Robbins &

Diamond, Ltd., and Lois West (collectively referred to as the "Accountants").

6. The Trustee has selected the Accountants for the reason that they have experience in matters of this nature and are well qualified to represent the Trustee in this case as to accounting and tax matters.

7. The professional services to be rendered by the Accountants include, but are not limited to:

- (a) Preparing tax returns, both federal and state;
- (b) Performing accounting services as necessary for the administration of the estate and as requested of Accountants by the Trustee;
- (c) Prepare all required reports of the Trustee to the United States Trustee and to the Court;
- (d) Conduct a review of necessary records and based on same, perform an analysis of possible preference and fraudulent transfer actions of the estate;
- (e) To the extent necessary and deemed productive, to reconcile the books and records of the Debtor;
- (f) To the extent necessary and deemed productive, to analyze the completeness and accuracy of the record-keeping practices of the Debtor; and,
- (g) To assist the Trustee in determining the valuation of assets, including but not limited to equity interests.

8. The Trustee seeks authorization to employ the Accountants and to compensate them for services rendered in accordance with their standard hourly rates, with all compensation and reimbursement of expenses subject to further approval of this Court.

9. The Accountants represent no interest adverse to the Debtor or to the estate in

matters upon which they are to be engaged for the Debtor.

10. To the best of the Trustee's knowledge, the Accountants have no connection with the Debtor, its creditors, or any other party in interest herein, or their respective attorneys, the United States Trustee or any other person employed in the office of the United States Trustee. The affidavit of Lois West attesting to the foregoing is attached hereto and made a part hereof.

11. The retention of the Accountants to perform professional services for the Trustee is in the best interest of this estate.

WHEREFORE, David R. Herzog, Chapter 7 Trustee, prays for an order, pursuant to 11 U.S.C. § 327, authorizing the employment of Kutchins, Robbins & Diamond, Ltd., and Lois West effective February 19, 2020 under the terms and conditions as set forth herein and for such other relief as may be just.

/s/ Gregory K. Stern
Attorney For Chapter 7 Trustee

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID #6216626)
Dennis E. Quaid (Atty. ID #02267012)
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